

## Message Text

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ACTION IO-13

INFO OCT-01 DHA-02 HEW-04 AID-05 ISO-00 CIAE-00 COME-00

EB-08 INR-07 LAB-04 NSAE-00 SIL-01 TRSE-00 DODE-00

PM-04 H-01 L-03 NSC-05 PA-01 PRS-01 SP-02 SS-15

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R 261404Z FEB 77

FM USMISSION GENEVA

TO SECSTATE WASHDC 5494

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EO 11652: NA

TAGS: UN, SHUM

SUBJ: HUMAN RIGHTS COMMISSION: EXAMINATION OF SITUATIONS UNDER  
CONFIDENTIAL PROCEDURES

1. IN EIGHT CLOSED MEETINGS (FEB 22-25) THE  
HRC DISCUSSED ITEM 12(B) OF ITS AGENDA: STUDY OF  
SITUATIONS WHICH REVEAL A CONSISTENT PATTERN OF GROSS  
VIOLATIONS OF HUMAN RIGHTS. THE DISCUSSION CENTERED ON  
A REPORT SUBMITTED BY A HRC WORKING GROUP WHICH MET IN  
GENEVA JAN 31-FEB 4, 1977, IN ADVANCE OF THE  
HRC SESSION, TO EXAMINE SITUATIONS WHICH HAD BEEN  
REFERRED TO THE COMMISSION BY THE SUBCOMMISSION PURSUANT  
TO ECOSOC RES 1503. COPIES OF THE REPORT  
(DOCUMENT E/CN.4/R.19) WERE POUCHED TO THE DEPT  
(IO/HR) FEB 15.

2. THE SITUATIONS CONSIDERED RELATED TO ALLEGED  
SERIOUS HUMAN RIGHTS VIOLATIONS IN BOLIVIA, EQUATORIAL  
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GUINEA, MALAWI, UGANDA AND THE REPUBLIC OF KOREA.  
PRIOR TO THE CLOSING SESSIONS THE COMMISSION EXTENDED  
INVITATIONS TO REPRESENTATIVES OF EACH OF THESE  
COUNTRIES TO APPEAR BEFORE THE COMMISSION TO STATE  
THEIR GOVERNMENT'S POSITION AND TO ANSWER QUESTIONS.  
FOLLOWING IS THE ACTION TAKEN BY THE COMMISSION ON  
EACH OF THE CASES (EXCEPT UGANDA, REPORTED SEPARATELY

IN GENEVA'S 1413).

3. SITUATION RELATING TO BOLIVIA. THIS CASE CONCERNED ALLEGATIONS OF WIDESPREAD HUMAN RIGHTS VIOLATIONS IN A DOCUMENT SUBMITTED BY THE CENTRAL OBRERA BOLIVIANA AS WELL AS OBSERVATIONS WHICH HAD BEEN SUBMITTED ON THIS DOCUMENT BY THE BOLIVIAN GOVERNMENT. THE BOLIVIAN OBSERVATIONS, WHICH WERE EXPANDED UPON BY THE BOLIVIAN REPRESENTATIVE WHO APPEARED BEFORE THE COMMISSION REJECTED AS UNFOUNDED MANY OF THE ALLEGATIONS AND PRESENTED AS THE UNDERLYING CAUSE OF RESTRICTIVE MEASURES TAKEN BY THE BOLIVIAN GOVERNMENT THE NEED TO PROTECT THE SECURITY OF THE STATE IN THE DIFFICULT ECONOMIC AND SOCIAL CONDITIONS PREVAILING IN THE COUNTRY. THE WORKING GROUP'S REPORT TOOK NOTE OF THE INVESTIGATION CURRENTLY UNDERWAY BY THE ILO OF ALLEGATIONS OF VIOLATIONS OF TRADE UNION RIGHTS IN BOLIVIA. QUESTIONING OF THE BOLIVIAN REPRESENTATIVE CENTERED UPON THE SLOW PACE OF REFORM WHICH HAD BEEN PROMISED BY THE BOLIVIAN GOVERNMENT AS WELL AS THE ADMISSIONS MADE BY THE BOLIVIAN REPRESENTATIVE THAT A NUMBER OF PERSONS WERE STILL BEING HELD WITHOUT CHARGES. THE COMMISSION'S DECISION, TAKEN WITHOUT A VOTE, ACCEPTED THE ESSENTIALS OF THE WORKING GROUP'S RECOMMENDATIONS. THE COMMISSION DECIDED WITHIN THE FRAMEWORK OF ECOSOC RES 1503 (A) TO ENCOURAGE THE ILO TO CONTINUE ITS DIALOGUE WITH THE BOLIVIAN GOVERNMENT CONCERNING THE FORMULATION OF NEW TRADE UNION LAWS WITH RESPECT TO TRADE UNION RIGHTS IN THAT COUNTRY, AND (B) TO LIMITED OFFICIAL USE

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CONTINUE TO STUDY THE HUMAN RIGHTS SITUATION RELATING TO BOLIVIA IN LIGHT OF ANY FURTHER INFORMATION RECEIVED FROM THE GOVERNMENT, THE ILO, AND OTHER SOURCES.

4. THE SITUATION RELATING TO EQUATORIAL GUINEA. ALLEGATIONS ON THIS CASE HAD BEEN MADE IN A COMMUNICATION RECEIVED FROM "INDIVIDUALS IN SWITZERLAND" TOGETHER WITH ADDITIONAL SUPPORTING MATERIAL. THE ALLEGATIONS WERE OF WIDESPREAD HUMAN RIGHTS VIOLATIONS RESULTING FROM A REIGN OF TERROR AND OPPRESSION IN THAT COUNTRY. A STATEMENT WAS DELIVERED BY A REPRESENTATIVE OF EQUATORIAL GUINEA WHO MAINTAINED THAT THE PROBLEMS IN HIS COUNTRY WERE THE CONSEQUENCE OF POLITICAL EVOLUTION AND THE MAJOR CONFLICTS BETWEEN THE POLITICAL FACTIONS DATING FROM THE PRE-INDEPENDENCE CONSTITUTIONAL CONFERENCE. IN THIS CASE THE COMMISSION DECIDED WITHOUT VOTE TO ADOPT THE RECOMMENDATION OF ITS WORKING GROUP TO

REQUEST THE UN SYG TO ESTABLISH A DIRECT CONTACT ON  
A CONFIDENTIAL BASIS WITH THE GOVERNMENT OF EQUATORIAL  
GUINEA (A) TO HELP CLARIFY SOME OF THE POINTS RAISED  
IN THAT GOVERNMENT'S OBSERVATIONS ON DOCUMENTARY  
MATERIAL RELATING TO THE HUMAN RIGHTS SITUATION, AND  
(B) WITH A VIEW INTER ALIA TO FIND WAYS IN WHICH THE  
UNITED NATIONS MIGHT PROVIDE ASSISTANCE TO THAT  
COUNTRY IN OBSERVING HUMAN RIGHTS. THE DISCUSSION  
OF THIS DECISION MADE CLEAR THAT THE HRC WOULD TAKE  
UP THE EQUATORIAL GUINEA CASE AGAIN IN THE LIGHT OF  
THE REPORT WHICH IT EXPECTED TO RECEIVE ON THE  
CONFIDENTIAL CONTACTS CARRIED OUT BY THE SYG.

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5. SITUATION RELATING TO MALAWI. THE BASIC  
COMMUNICATION IN THIS CASE HAD BEEN SUBMITTED BY THE  
WATCH TOWER BIBLE AND TRACT SOCIETY OF PENNSYLVANIA  
ALLEGING MALTREATMENT OF JEHOVAHS WITNESSES LIVING IN  
MALAWI. NO OBSERVATION HAD BEEN RECEIVED FROM THE  
GOVERNMENT OF MALAWI ON THESE ALLEGATIONS, AND NO  
REPRESENTATIVE OF THAT GOVERNMENT CHOSE TO APPEAR  
BEFORE THE HRC. AFTER A BRIEF DISCUSSION THE  
COMMISSION DECIDED (A) TO REQUEST THE GOVERNMENT OF  
MALAWI TO TRANSMIT ITS OBSERVATIONS AND (B) TO CONTINUE  
TO CONSIDER THE QUESTION ON THE BASIS OF ANY INFORMATION  
RECEIVED FROM THE GOVERNMENT OF MALAWI OR ANY

OTHER SOURCES.

6. SITUATION RELATING TO THE REPUBLIC OF KOREA.  
THE ALLEGATIONS IN THIS CASE WERE CONTAINED IN A  
COMMUNICATION SUBMITTED BY AMNESTY INTERNATIONAL  
ALLEGING A NUMBER OF SERIOUS HUMAN RIGHTS VIOLATIONS  
IN THE REPUBLIC OF KOREA. THE CASE HAD BEEN EXAMINED  
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BY THE SUBCOMMISSION WITHOUT BENEFIT OF OBSERVATIONS  
OF THE GOVERNMENT OF THE REPUBLIC OF KOREA.  
THAT GOVERNMENT DID, HOWEVER, SUBMIT  
ITS OBSERVATIONS IN TIME FOR THEM TO BE EXAMINED BY  
THE HRC WORKING GROUP. A REPRESENTATIVE OF THE ROK  
GOVERNMENT APPEARED BEFORE THE COMMISSION. HE EXPLAINED  
THAT THE ALLEGATIONS INCORRECTLY REFLECTED THE SITUATION  
IN HIS COUNTRY, NOTED THE SERIOUS SECURITY  
PROBLEMS FACED BY HIS GOVERNMENT AND ASSERTED THAT  
HIS GOVERNMENT WAS A STRONG SUPPORTER OF HUMAN RIGHTS.  
THE COMMISSION'S DECISION, FOLLOWING THE RECOMMENDATION  
OF ITS WORKING GROUP, WAS TO CONTINUE TO EXAMINE THE SITUATION AS  
A WHOLE IN THE REPUBLIC OF KOREA IN THE LIGHT OF ANY  
FURTHER INFORMATION THAT IT MIGHT RECEIVE FROM THE  
ROK GOVERNMENT AND FROM OTHER SOURCES.

7. COMMENT: UNLIKE LAST YEAR'S HRC SESSION  
WHEN CASES REFERRED FOR EXAMINATION UNDER RES  
1503 WERE ALL DISMISSED WITH RELATIVELY LITTLE  
DISCUSSION, THE COMMISSION SESSIONS THIS YEAR HAVE  
CONSUMED MANY MORE MEETINGS THAN THOSE ALLOTTED FOR  
THIS AGENDA ITEM. THE DISCUSSIONS GENERALLY  
EVIDENCED A SERIOUS CONCERN ON THE PART OF A CLEAR  
MAJORITY OF HRC MEMBERS ABOUT THE SITUATIONS UNDER  
EXAMINATION BUT AT THE SAME TIME A VERY CAUTIOUS  
APPROACH TO THE IMPLEMENTATION OF THE MEASURES PROVIDED  
UNDER RES 1503, I.E., EITHER A THOROUGH STUDY  
OR AN INVESTIGATION. THE OVERRIDING CONCERN IN EACH  
OF THE DECISIONS TAKEN NOT TO PRESS TOO HARD ON  
SOVEREIGN GOVERNMENTS IS A PREVAILING THEME OF THE  
NON-ALIGNED GOVERNMENTS WHO MAKE UP THE CONTROLLING  
MAJORITY OF THE HRC MEMBERSHIP. IT REMAINS TO BE  
SEEN WHETHER THE DECISIONS TO CONTINUE EXAMINATION OF  
THESE CASES WERE IN FACT EUPHEMISMS FOR DISMISSAL  
OR WHETHER THEY WERE TAKEN WITH A GENUINE INTENT TO  
MOVE ON TO MORE EFFECTIVE MEASURES WITH RESPECT TO THOSE  
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SITUATIONS IN WHICH NO IMPROVEMENT TAKES PLACE IN THE PERIOD BEFORE THE NEXT HRC SESSION.

8. THE MAJOR PORTION OF THE COMMISSION'S TIME UNDER THIS AGENDA ITEM WAS DEVOTED TO THE CASE OF UGANDA, WITH BOLIVIA RANKING SECOND. THE CASES OF MALAWI AND THE REPUBLIC OF KOREA WERE TAKEN UP AFTER DISCUSSION OF THE UGANDA CASE HAD BEEN CONCLUDED. THE CONSTRAINTS OF TIME AND THE EXHAUSTIVE DEBATE OF THE UGANDA CASE CONTRIBUTED TO THE COMPARATIVELY HASTY DISPOSITION OF THESE LATTER TWO CASES.

9. CONSISTENT WITH ITS POSITION OF OPPOSITION TO THE 1503 PROCEDURES, THE USSR DELEGATION DID NOT TAKE PART IN THE DISCUSSION OF THE HRC WORKING GROUP'S REPORT OR IN THE VOTING ON THE DECISIONS TAKEN.  
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